

1 ADAM PAUL LAXALT  
Attorney General  
2 ERIN L. ALBRIGHT, Bar No. 9953  
Deputy Attorney General  
3 State of Nevada  
Bureau of Litigation  
4 Public Safety Division  
100 N. Carson Street  
5 Carson City, NV 89701-4717  
Tel: (775) 684-1257  
6 E-mail: ealbright@ag.nv.gov

7 *Attorneys for Defendants*  
8 *Harold Byrne, Danny Holland,*  
*Donald Southworth*

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
11

12 RICKIE L. HILL,

13 Plaintiff,

14 vs.

15 TIMOTHY FILSON, et al.,

16 Defendants.

Case No. 3:16-CV-00644-MMD-VPC

**MOTION FOR ENLARGEMENT OF TIME  
TO RESPOND TO PLAINTIFF'S MOTION  
TO CORRECT**

17 Defendants, Harold Byrne, Danny Holland and Donald Southworth, by and through counsel,  
18 Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney  
19 General, hereby moves for an enlargement of time to respond to plaintiff's motion to correct. (ECF No.27).

20 This motion is based on the following Memorandum of Points and Authorities.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. RELEVANT FACTUAL BACKGROUND**

23 On April 12, 2018, plaintiff filed a motion to correct. (ECF No. 27).

24 Defense counsel is on vacation and will not return to the office until May 1, 2018.

25 ///

26 ///

27 ///

28 ///

1 **II. LEGAL AUTHORITY AND DISCUSSION**

2 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

3 When an act may or must be done within a specified time, the court may,  
4 for good cause, extend the time: (A) with or without motion or notice if  
5 the court acts, or if a request is made, before the original time or its  
6 extension expires; or (B) on motion made after the time has expired if the  
7 party failed to act because of excusable neglect.

8 The proper procedure, when additional time for any purpose is needed, is to present a request  
9 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31  
10 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
11 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8  
12 F.R.D. 268 (N.D. Ohio 1947).

13 The time to respond, to answer or file a response to plaintiff's motion (ECF No. 27) has not  
14 expired. Defendants assert good cause exists to extend their time for their response to Plaintiff's  
15 objections because defense counsel is on vacation and will not return to the office until May 1, 2018.  
16 Therefore, Defendants request this court enlarge the time for their response to the motion (ECF No. 27)  
17 to May 11, 2018. This extension is not made for the purposes of delay or to prejudice Plaintiff.

18 **III. CONCLUSION**

19 Based on the foregoing, Defendants respectfully request this Court grant their motion and  
20 enlarge the time for their response to plaintiff's motion (ECF No. 27) to May 11, 2018.

21 DATED this 25<sup>th</sup> day of April, 2018.

22 ADAM PAUL LAXALT  
23 Attorney General

24 By: Benjamin R. Johnson for  
25 ERIN L. ALBRIGHT  
26 Deputy Attorney General  
27 State of Nevada  
28 Bureau of Litigation  
Public Safety Division

Attorneys for Defendant

**IT IS SO ORDERED**

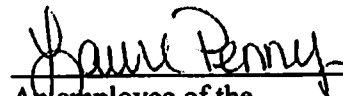
Valerie P. Johnson  
U.S. MAGISTRATE JUDGE

DATED: May 2, 2018

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 25<sup>th</sup> day of April, 2018, I caused to be deposited for mailing a true and correct copy of the forgoing, **MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S MOTION TO CORRECT**, to the following:

Rickie L. Hill #87052  
Core Civic/Saguaro Correctional Center  
1252 E. Arica Road  
Eloy, AZ 85131

  
An employee of the  
Office of the Attorney General